

PATENT

Atty Docket No.: 10990172-1

App. Ser. No.: 09/736,654

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 12 and 24 have been amended and Claims 13, 14, 25, and 26 have been canceled without prejudice or disclaimer of the subject matter contained therein. As such, Claims 2-12 and 15-24 remain pending in the present application, of which, Claims 2, 12, 22, and 24 are independent claims.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Allowable Subject Matter

The Applicants note with appreciation the indication that Claims 2-11, 17-20, 22, and 23 are allowed over the cited documents of record. As such, only independent Claims 12 and 24, and the claims that depend therefrom remain rejected.

Independent Claim 12 has been amended to include all of the features of allowable Claim 20 and intermediate Claim 14. Likewise, independent Claim 24 has been amended to include all of the features of allowable Claim 20 and Claim 26. Moreover, Claims 13, 14, 25, and 26 have been canceled without prejudice or disclaimer of the subject matter contained therein.

At least by virtue of the amendments above, Claims 12 and 24 and the claims that depend therefrom are allowable over the cited documents of record. The Examiner is therefore respectfully requested to withdraw the rejections of Claims 12 and 24 and to also allow these claims.

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Personal Interview Conducted

The Examiner is respectfully thanked for the courtesies extended to the undersigned during the personal interview conducted on February 15, 2006. As agreed upon during that interview, the proposed claim amendments, which have been incorporated into the present Amendment, place the present application into condition for allowance. In addition, the Examiner agreed that these claim amendments would be entered because the claims have only been amended to incorporate previously indicated allowable subject matter.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 12, 15, and 24 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by the disclosure contained in the article titled "Using Resolution Pyramids to Efficiently Store Distance Transforms of Arbitrary Size" by Borgefors (hereinafter

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"Borgefors"). This rejection is traversed because it is respectfully submitted that Claims 12, 15, and 24 are patentably distinguishable over the disclosure contained in Borgefors.

As discussed above, independent Claims 12 and 24 have been amended to include the features of allowable Claim 20. Accordingly, Borgefors fails to disclose each and every element claimed in Claims 12 and 24 and therefore cannot anticipate these claims.

The Examiner is thus respectfully requested to withdraw the rejection of Claims 12 and 24 as allegedly being anticipated by the disclosure contained in Borgefors.

Claim 15 is also allowable over the disclosure contained in Borgefors at least by virtue of its dependency upon allowable Claim 12.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

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Claims 13, 14, 25, and 26

The Official Action sets forth a rejection of Claims 13, 14, 25, and 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over the disclosure contained in Borgefors. This rejection is moot because Claims 13, 14, 25, and 26 have been canceled without prejudice or disclaimer of the subject matter contained therein.

Claim 16

The Official Action sets forth a rejection of Claim 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over the disclosure contained in Borgefors and further in view of the article titled "Euclidean Distance Mapping" by Danielsson (hereinafter "Danielsson"). This rejection is respectfully traversed because Borgefors and Danielsson, considered singly or in combination, fails to disclose the claimed invention as set forth in Claim 16.

Borgefors fails to disclose or render obvious independent Claim 12 as described herein above. In addition, the Official Action does not and cannot reasonably assert that the disclosure contained in Danielsson makes up for the deficiencies in Borgefors described above. As such, even assuming for the sake of argument that one were motivated to combine the disclosures of Borgefors and Danielsson as suggested in the Official Action, the proposed combination would still fail to yield the present invention as claimed in Claims 12 and 16.

The Examiner is therefore respectfully requested to withdraw the rejection of Claim 16 and to allow this claim.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

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Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: March 3, 2006

By



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